

REFERENCE TITLE: prescriptions; duty to fill

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1518

Introduced by
Senators Allen, Cannell: Hellon

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1973; RELATING TO THE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,
3 is amended by adding section 32-1973, to read:

32-1973. Duty to fill prescriptions; exceptions; notification; definition

A. A PHARMACY LICENSED PURSUANT TO THIS CHAPTER MUST PROPERLY FILL VALID PRESCRIPTION ORDERS PRESENTED TO THE PHARMACY BY OR FOR A CUSTOMER.

B. A PHARMACY LICENSED PURSUANT TO THIS CHAPTER MUST REQUIRE ITS EMPLOYEES TO NOTIFY IT IN WRITING OF ALL CATEGORIES OR TYPES OF PRESCRIPTION DRUGS AND DEVICES THAT THE EMPLOYEE WOULD DECLINE TO FILL BECAUSE OF THE EMPLOYEE'S SINCERELY HELD RELIGIOUS BELIEFS. ON RECEIVING THIS NOTIFICATION, THE PHARMACY MUST ATTEMPT TO ACCOMMODATE THE EMPLOYEE IF THE ACCOMMODATION CAN BE MADE WITHOUT CAUSING UNDUE HARDSHIP TO THE PHARMACY OR ITS CUSTOMERS. IN DETERMINING IF A PROPOSED ACCOMMODATION WOULD CAUSE AN UNDUE HARDSHIP, THE PHARMACY MAY CONSIDER:

1. WHETHER THE PROPOSED ACCOMMODATION WOULD DELAY THE FILLING OF PRESCRIPTION ORDERS AND RESULT IN THE PHARMACY NOT BEING ABLE TO FILL CERTAIN PRESCRIPTIONS IN THE EQUIVALENT TIME AS THE PHARMACY IS FILLING OTHER PRESCRIPTIONS OF IN-STOCK DRUGS OR DEVICES AT THAT TIME.

2. THE PHARMACY'S ABILITY TO FILL THE CUSTOMER'S PRESCRIPTION AT THAT PHARMACY LOCATION.

3. THE PHARMACY'S FINANCIAL COSTS IN IMPLEMENTING THE ACCOMMODATION.

4. THE DAMAGE TO THE PHARMACY'S REPUTATION OR GOOD WILL IN THE COMMUNITY DUE TO ITS FAILURE TO PROVIDE TIMELY PRESCRIPTION SERVICES.

C. IF A CUSTOMER ASKS FOR A PRESCRIPTION DRUG OR DEVICE THAT IS NOT IN STOCK, THE PHARMACY MUST OFFER THE PATIENT EACH OF THE FOLLOWING OPTIONS AND PERFORM THE CHOSEN OPTION WITHOUT DELAY:

1. OBTAIN THE DRUG OR DEVICE UNDER THE PHARMACY'S STANDARD PROCEDURES FOR EXPEDITED ORDERING OF ANY DRUG OR DEVICE THAT IS NOT IN STOCK.

2. TRANSFER THE PRESCRIPTION ORDER TO ANOTHER LOCAL PHARMACY OF THE CUSTOMER'S CHOICE UNDER THE PHARMACY'S STANDARD PROCEDURES FOR TRANSFERRING PRESCRIPTION ORDERS FOR DRUGS OR DEVICES.

3. RETURN THE UNFILLED PRESCRIPTION ORDER TO THE CUSTOMER AND REFER THE CUSTOMER TO ANOTHER LOCAL PHARMACY. THE PHARMACY MUST MAKE A REASONABLE EFFORT TO REFER THE CUSTOMER TO A PHARMACY THAT STOCKS THE DRUG OR DEVICE AND THAT IS NEAR ENOUGH TO THE REFERRING SITE TO ENSURE THAT THE CUSTOMER HAS TIMELY ACCESS TO THE DRUG OR DEVICE.

D. THIS SECTION DOES NOT PROHIBIT A PHARMACY FROM REFUSING TO DISPENSE A PRESCRIPTION DRUG OR DEVICE IF THERE IS A VALID MEDICAL CONCERN THAT THE DRUG OR DEVICE WILL CAUSE PROBLEMS DUE TO THERAPEUTIC DUPLICATIONS, CONTRAINDICATIONS, DRUG INTERACTIONS, INCORRECT DOSAGE OR DURATION OF DRUG TREATMENT OR ABUSE OR MISUSE.

1 E. A PHARMACY MUST TREAT EACH CUSTOMER WITH RESPECT AND DIGNITY, MAKE
2 GOOD FAITH EFFORTS NOT TO EMBARRASS OR Demean THE CUSTOMER AND ATTEMPT TO
3 ENSURE A SEAMLESS DELIVERY OF PRESCRIPTION SERVICES, REGARDLESS OF WHETHER
4 THE PHARMACY HAS MADE AN ACCOMMODATION WITH AN EMPLOYEE PURSUANT TO
5 SUBSECTION B.

6 F. A PHARMACY THAT VIOLATES THIS SECTION COMMITS AN ACT OF
7 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINARY ACTION PURSUANT TO THIS
8 CHAPTER.

9 G. THE BOARD SHALL INITIATE AN INVESTIGATION OF ANY ALLEGATION OF A
10 VIOLATION OF THIS SECTION WITHIN SEVEN DAYS AFTER RECEIVING A COMPLAINT.

11 H. FOR THE PURPOSES OF THIS SECTION "EMPLOYEE" INCLUDES A CURRENT
12 EMPLOYEE AND AN APPLICANT FOR EMPLOYMENT.